



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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<b>PUBLIC MEETING MINUTES:</b>	<b>DELAWARE REAL ESTATE COMMISSION SUBCOMMITTEE TO REVIEW STATUTE REVISIONS</b>
<b>MEETING DATE AND TIME:</b>	<b>Thursday, March 18, 2010 at 9:00 a.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Public Service Commission Hearing Room</b> First floor of the Cannon Building
<b>MINUTES APPROVED:</b>	April 27, 2010

**MEMBERS PRESENT**

Christopher J. Whitfield  
Ricky H. Allamong  
Andy Staton  
Vincent White  
Larry Tims

**DIVISION STAFF/ DEPUTY ATTORNEY GENERAL**

Eileen Heeney, Deputy Attorney General  
Gayle Melvin, Administrative Specialist III

**ALSO PRESENT**

Andy Taylor  
Charlotte Herbert  
Scott Kidner  
Roseann Harkins  
Evette Morran  
James Kelly

**CALL TO ORDER**

Mr. Whitfield called the meeting to order at 9:01 a.m.

### **REVIEW OF MINUTES**

The Subcommittee reviewed the minutes from the February 2, 2010 meeting. A motion was made by Mr. Allamong, seconded by Mr. Staton to approve the minutes. The motion passed by majority vote. Mr. Tims abstained from the vote.

### **REVIEW OF PROPOSED STATUTE REVISIONS**

The Commission has recently learned that it will be under Sunset Review next year. A discussion was held as how to proceed with the proposed statute revisions without the three controversial items which are auctioneers, home builders and property managers. It was discussed completing the original document and moving forward with it. Mr. Kidner offered to meet with the Sunset Committee on the Commission's behalf regarding this. It was agreed that he pursue this and coordinate the meeting with Mr. Collins. A motion was made by Mr. Allamong, seconded by Mr. Staton to separate the controversial items, reverse the auctioneer exemption and to proceed to finalize the original document so that there is a complete document that might be presented to the Sunset Committee if the opportunity arises and to further identify that there are three initiatives that the Subcommittee will continue to look at. The motion passed by majority vote. Mr. White abstained from the vote. Mr. Staton will continue to draft the section for auctioneers, Mr. Allamong will continue with the home builders section and Mr. Whitfield will continue working with Mr. Morton on the property managers section.

### **DISCUSSION: PROPOSED REVISIONS TO THE RULES AND REGULATIONS**

Mr. Allamong reported that he feels that the Commission is prohibiting the transfer of licensees from other states into Delaware. Licensees from other states have to make up the difference in hours in the law portion and then the sales portion of the Delaware pre-licensing course. Currently, due to low enrollment, pre-licensing courses are being cancelled which prohibits a licensees from another state to become licensed in Delaware. He asked that the Subcommittee consider accepting 60 hours of an on-line pre-licensing course from another state and approving on-line pre-licensing for the remainder 33 hours providing that the content meets our existing requirements. This would change the number of pre-licensing course hours from 99 to 93. A discussion was held as to whether this change needs to be in the appendix or the rules and regulations. A discussion was held about changing the number of hours for the pre-licensing course. A motion was made by Mr. Allamong, seconded by Mr. Staton to recommend to the Real Estate Commission that the appendix or rules and regulations be amended to allow for on-line pre-licensing for a Delaware course or to allow on-line pre-licensing for the Delaware law/sales portions of an accredited pre-license course which consists of 39 hours with 33 hours in law and 6 hours in sales for salespersons and 33 hours in law and 6 hours in broker/management for brokers and accepting 60 hours from a pre-licensing course in another state. The motion passed unanimously.

Ms. Melvin had provided members with a list of topics for discussion for possible proposed revisions to the rules and regulations. A motion was by Mr. Allamong, seconded by Mr. Staton that Mr. White work with Ms. Heeney on revising the list of substantially related crimes. The motion was unanimously carried.

The following is a list of items that will be reviewed by the person indicated for possible proposed revisions to the rules and regulations. Ideas should be brought to the next meeting.

Score on credit report for brokers – Mr. Staton

List of qualified transactions for brokers – Mr. Whitfield  
Advertising – Mr. White  
Disclosure – Mr. Allamong  
Office requirements – Mr. Allamong  
Continuing education requirements – Mr. Tims  
Renewal of licenses and authority for rule to show cause hearings – Ms. Heeney  
Broker of record responsibilities – Mr. Allamong

Mr. Tims reported that the Education Committee had a discussion at their last meeting regarding the continuing education requirements. The Education Committee proposed that salesperson licensees be required to take a three hour fair housing course and a three hour professional conduct course in addition to taking the salesperson core course, a legislative update course, and three elective credits. Brokers would be required to take the new broker of record course, the broker's core course and six elective credits. These requirements would start with the upcoming licensure period.

After a discussion, a motion was made by Mr. Tims, seconded by Mr. Staton to recommend to the Real Estate Commission at their next meeting to require a total of 15 hours of continuing education for the upcoming renewal period and that salesperson licensees be required to take a three hour fair housing course or a three hour professional conduct course, a three hour salesperson core course, a three hour legislative update course and six hours in elective credits and that broker licensees be required to take a three hour broker of record course, a three hour legislative update course, a six hour brokers core course and three hours in elective credits. The motion passed unanimously. It was also discussed that since the non-resident licensees are in the middle of a renewal period, the new requirements would start for those licensees for the 2012 to 2014 licensure period.

#### **DISCUSSION: EXPANSION OF SUBCOMMITTEE MEMBERS**

A discussion was held about expanding the number of Subcommittee members. Mr. Staton suggested adding a public member and possibly an attorney member. Mr. Staton will look at this further for discussion at the next meeting.

#### **OTHER BUSINESS BEFORE THE SUBCOMMITTEE** (for discussion only)

There was no other business before the Subcommittee.

#### **PUBLIC COMMENT**

Mr. Kelly spoke about disclosure and bank owned properties.

Ms. Morran spoke about property managers and requested a copy of the proposed revisions. She was provided with a copy.

Ms. Harrison asked about the proposed revisions for property managers being posted on the website. Mr. Whitfield explained that they have not yet been approved by the Subcommittee and that once they are approved they will be posted. She was also provided with a copy of the proposed revisions.

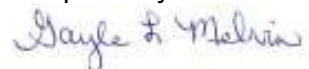
**NEXT SCHEDULED MEETING**

The next meeting was scheduled for April 27, 2010 at 9:00 a.m.

**ADJOURNMENT**

A motion was made by Mr. Allamong, seconded by Mr. Staton to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 11:06 a.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gayle L. Melvin".

Gayle L. Melvin  
Administrative Specialist III